

By: Fletcher

H.B. No. 3030

A BILL TO BE ENTITLED

AN ACT

relating to payment of misdemeanor warrants and capias pro fine warrants.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 17.20, Code of Criminal Procedure is amended to read as follows:

Art. 17.20. BAIL IN MISDEMEANOR. In cases of misdemeanor, the sheriff or other peace officer, or a jailer licensed under Chapter 1701, Occupations Code, ~~may~~ whether during the term of the court or in vacation, where the officer has a defendant in custody, may:

(a) take of the defendant a bail bond; or

(b) unless the defendant, after being advised that he or she may contest the case in court, request deferred adjudication if qualified, or if indigent, do community service for payment of the fine, costs and fees, may pay said fine, costs and fees by use of a valid credit card or valid debit card, whereupon the warrant shall be withdrawn and the defendant released.

SECTION 2. Art. 45.045, Code of Criminal Procedure is amended to read as follows:

Art. 45.045. CAPIAS PRO FINE. (a) If the defendant is not in custody when the judgment is rendered or if the defendant fails to satisfy the judgment according to its terms, the court may order a capias pro fine, as defined by Article 43.015, issued for the

1 defendant's arrest. The capias pro fine shall state the amount of
2 the judgment and sentence, and command the appropriate peace
3 officer to bring the defendant before the court immediately or
4 place the defendant in jail until the business day following the
5 date of the defendant's arrest if the defendant cannot be brought
6 before the court immediately, unless the defendant may choose to
7 pay the fines and court costs set forth in the warrant of arrest and
8 the warrant fee and other applicable fees by use of a valid credit
9 card or valid debit card, whereupon the warrant shall be withdrawn
10 and the defendant released.

11 (b) A capias pro fine may not be issued for an individual
12 convicted for an offense committed before the individual's 17th
13 birthday unless:

14 (1) the individual is 17 years of age or older;

15 (2) the court finds that the issuance of the capias pro
16 fine is justified after considering:

17 (A) the sophistication and maturity of the
18 individual;

19 (B) the criminal record and history of the
20 individual; and

21 (C) the reasonable likelihood of bringing about
22 the discharge of the judgment through the use of procedures and
23 services currently available to the court; and

24 (3) the court has proceeded under Article 45.050 to
25 compel the individual to discharge the judgment.

26 (c) This article does not limit the authority of a court to
27 order a child taken into custody under Article 45.058 or 45.059.

1 SECTION 3. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2013.